

Transport (Scotland) Bill

1. Introduction

- 1.1** The purpose of this report is to inform Chief Officers of the recent Transport (Scotland) Bill¹ introduced by the Cabinet Secretary for Finance and Constitution, Derek Mackay MSP, in the Scottish Parliament on 8 June 2018.
- 1.2** The Bill is now within the first stage of the parliamentary process, in which the Rural Economy & Connectivity Committee has launched a consultation survey, which seeks stakeholder views about the Bill.

2. Transport (Scotland) Bill

- 2.1** The Bill addresses a number of Scottish Government commitments from the 2017-18 Programme for Government². The Bill aims to empower Local Authorities and enable them to implement future commitments as set out in the Programme for Government. The Bill is structured into the following six parts which will be considered within its consultation:
- 2.2**
- Part 1 – Low emission zones: makes provision in relation to the creation and enforcement of low emission zones in Scotland.
 - Part 2 – Bus services: ensures that local transport authorities have viable and flexible options to improve bus services in their areas.
 - Part 3 – Ticketing arrangements and schemes (“smart ticketing”): makes provision enabling the Scottish Ministers to specify a national technological standard for the implementation and operation of smart ticketing arrangements and providing local transport authorities with additional powers to develop and deliver effective smart ticketing arrangements and schemes.
 - Part 4 – Pavement parking and double parking: introduces prohibitions on parking on pavements and double parking.
 - Part 5 – Road works: enhances the role of the Scottish Road Works Commissioner (SRWC) and the wider regulation of road works.

¹ <http://www.parliament.scot/parliamentarybusiness/Bills/108683.aspx>

² <https://www.gov.scot/Resource/0052/00524214.pdf>

- Part 6 – Miscellaneous and general: includes providing Regional Transport Partnerships (Transport Partnerships) with more financial flexibility and improves the governance of Scotland’s canals.

3. Financial Implications

3.1 The Bill gives legal clarity to Regional Transport Partnerships to create and carry forward financial reserves across the financial year-end, as with local authorities currently. This change aims to make it easier for the Regional Transport Partnerships to manage their year-end finances by enabling them to hold a balance of funds.

3.2 This change removes any perceived need for Regional Transport Partnerships to have a zero balance at the end of each financial year which will benefit the planning and delivery of projects.

4 Consultation and survey

4.1 As the Bill is in the initial stages of the parliamentary process, future papers are likely to be brought forward for comment.

4.2 Annex 1 of this report contains the provisional response to be provided on behalf of SEStran. Appendix 2 are the questions asked within the online consultation for Officer consideration.

5. Recommendations

5.1 Officers are invited to comment on the proposed response to the Transport (Scotland) Bill Consultation.

Appendix 1 – **Transport (Scotland) Bill Proposed Consultation Response**

Appendix 2 – **Transport (Scotland) Bill Consultation Survey Questionnaire**

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Policy Implications	The Bill could result in a number of policy changes
Financial Implications	As a result of the Bill, RTPs would be able to carry forward financial reserves across the financial year-end.
Equalities Implications	None
Climate Change Implications	None

Appendix 1 – Proposed Transport (Scotland) Bill Consultation Response

SEStran

Established by the Transport (Scotland) Act 2005, SEStran is the statutory Regional Transport Partnership covering the eight local authorities in the South East of Scotland including: Clackmannanshire, Scottish Borders, East Lothian, West Lothian, Midlothian, Fife, Falkirk, and City of Edinburgh Council. SEStran welcomes the opportunity to respond to the Transport (Scotland) Bill Consultation.

Low Emission Zones (LEZs)

SEStran supports the principle of LEZs, if they are delivered as part of a wider local or regional sustainable transport strategy. It must be clear what the LEZ is designed to achieve, as they will have a significant impact on the region. Many residents working in neighbouring councils work in the Capital. Therefore, any LEZs should be seen in that context, and should not be viewed in isolation. LEZs should be implemented alongside complementary measures that encourage the uptake of active travel and reduce the number of single occupancy vehicles. The Regional Transport Strategy (RTS) recognises that transport must play its part in the reduction of emissions and improvement of local air quality. Many SEStran RTS measures are aimed at reducing car single occupancy travel and encouraging sustainable travel behaviours.

As stated in the Bill, LEZs will enable Local Authorities to possess powers to restrict the access of vehicles which are not compliant to certain emission standards from entering specified districts. SEStran would agree that LEZ regulations ideally should be consistent across all LEZs in Scotland. However, it is understood that local decision making may dictate the need for flexibility to fund schemes' maintenance.

Care will need to be taken to ensure that the public are aware of the need for an LEZ, to ensure the penalty scheme is not seen as another "road user tax". This would require a consistent marketing campaign and promotional materials across Scotland, ahead of implementation. This should be considered along with the provisions made within the Bill regarding the provision of signs, ANPR cameras and the enforcement of schemes. Sufficient investment must be made in further active travel initiatives and infrastructure in order to make an LEZ work. Funding and support must also be made available to ensure that public transport operators within the region are able to operate within the city's LEZ.

SEStran is currently represented on the steering group for Edinburgh's LEZ. In this group SEStran aims to provide a regional perspective, alongside best practice examples. Including, last mile logistics research from the SURFLOUGH¹ EU project, and shared mobility examples from the SHARE-North² EU project. Overall, SEStran

¹ <http://sestran.gov.uk/projects/surfloagh/>

² <http://sestran.gov.uk/projects/share-north/>

welcomes the proposals outlined within the Transport Bill. However, as previously mentioned, this should not be viewed in isolation, and financial support should be provided to Authorities so that these commitments are able to be met accordingly.

Bus Services

Bus Service Improvement Partnerships (BSIPs)

The Bill offers the opportunity to create BSIPs. Like SPT, other RTPs could provide a supportive role in the creation of BSIPs where cross-boundary routes to be considered. SEStran welcomes this opportunity, however, as the Bill currently stands, without considerable financial support and buy-in from the operators, the creation of further BSIPs could prove costly and largely unused. More support in this area must be considered, if falling bus patronage numbers are to be improved. SEStran, currently a model 1 partnership could not be empowered to 'contribute' to a BSIP but could assist in facilitating.

Franchising

With regards to the franchising powers considered for transport authorities, SEStran is in principle, supportive of this option. As in other Cities across this UK, this could result in improved services and an increase in patronage. However, this change would require a great amount of research and assessment of all routes, fares and their viability. This would be an extremely costly exercise, and cost benefits should be fully considered before being entered into.

Information

SEStran welcomes the provisions in the Bill which would require bus operators to share information on routes and timetables. SEStran has continued to champion the implementation of bus real-time information throughout the SEStran Region and has seen its benefits across both urban and rural communities. However, SEStran would emphasise that data provided by operators should be openly available, and of a high standard, which can provide future improvements in passenger information services.

SEStran supports the powers that require operators varying or withdrawing services to provide detailed information to authorities, as this will allow authorities to understand the reasons for service withdrawal and provide them with strategic oversight on whether the authority is able to replace the service.

Ticketing Arrangements and Schemes (Smart Ticketing)

SEStran welcomes, in principle, the provisions of the Bill in relation to Smart Ticketing. Significant investment has already been made in smart infrastructure and further investment made in ensuring operators across the country can accept smart tickets, and it is right that these benefits should be maximised. SEStran has invested over

£150,000 over the past 2 financial years, in kitting out smaller operators in the region with new ticket machines. ITSO is already widely considered as the UK standard, and is used across the Scottish National Concessionary Scheme, ScotRail and most bus operators. Another national standard would be costly to implement, so focus should be placed on the 'smart' solutions already in use within the market.

SEStran also believes that the establishment of a new Advisory Board and the requirement of Local Authorities to produce annual reports on ticketing would be unnecessary and an onerous task on an already stretched staff resource. In addition to this, the provisions made towards Ministers having powers to direct Local Authorities to implement ticketing schemes, seems unnecessarily excessive. Local Authority budgets and demand will determine the viability of a potential scheme, having Ministerial oversight would be unlikely be able to change these factors.

Pavement Parking

In principle, SEStran is supportive of the provisions regarding responsible parking within the Bill. Members within the SEStran Equalities and Access to Healthcare Forum have continued to express their concerns and experiences in regard to irresponsible parking. It is welcomed that the Government is bringing such legislation forward to help vulnerable pedestrians such as the disabled, elderly and parents with small children. However, it is understandable that there is still concern over how Local Authorities will manage this new power, in times of budget constraints. Enforcement will be a new issue for each individual Authority to manage. Additional resources must be made available to support these new powers if they are to succeed. There is also the additional issue of areas (such as residential or near schools) where pavement parking has been established as a preferred alternative, to allow access of other vehicles (such as public transport or emergency services). Further, costly, assessment work of the road network would need to be conducted by the Authority to establish areas to be excluded from the legislation. The practicalities of enforcement will also be challenging, particularly for short duration offenders.

Road Works

SEStran welcomes the provisions in relation to Road Works and those that will strengthen the powers of the Commissioner. These additional powers will help to promote compliance and set the requirement for reinstatement quality plans, ensuring that organisations meet the required standards when executing road works.

Miscellaneous and general, including RTPs and Scotland's Canals

SEStran welcomes the provisions made in relation to RTP finances. It is welcomed that this will bring RTPs finance rules in line with their Local Authority partners. This

will enable the Partnerships to hold a balance of funds and reduce risk in the implementation of projects. This change would allow RTPs have flexibility to work on projects that will cover more than one financial year and consider planning for the longer term.

Conclusion

In principle, SEStran welcomes the Bill and considers the provision within it a positive step in Transport Policy development. However, without suitable levels of financial support, a number of the provisions made within the Bill will be unlikely to come to fruition. The targets set out within the Programme for Government were indeed ambitious, and without the correct supporting conditions, this Bill may fall short in achieving this. These provisions cannot be viewed in isolation. Further considerations should also be made towards the needs of the travelling public, and whilst some of these provisions address a number of issues faced by our most vulnerable community members, more could be done to improve transport delivery to meet their needs.

Appendix 2 – Transport (Scotland) Bill Consultation Survey Questionnaire

Part 1 – Low Emission Zones

The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Scottish Ministers must approve all LEZ proposals						
Scottish Ministers will have the power to specify certain types of vehicle that will be exempt from any LEZ scheme, e.g. emergency service vehicles						
Scottish Ministers' will be able to order a Council to review a LEZ and direct it to implement changes following that review						

The Bill would grant Councils the power to set the rules governing the operation of individual LEZs. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Councils must specify a grace period of between 2 and 6 years for residents (1-4 years for non-residents) following the introduction of a LEZ, during which penalties will not be levied						
Councils will be able to suspend a LEZ for an event, held in or near the zone, that it considers to be of national importance						
Councils can grant exemptions from LEZ requirements for individual						

vehicles, or types of vehicle (up to one year)						
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How might the LEZ proposals in the Bill be improved? Please summarise any suggested improvements that you would like to see made in the box below:

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Part 2 – Local Bus Service

The Bill would provide Councils with the following powers, aimed at improving local bus services. Do you support or oppose these powers? Please choose the option which most closely matches your opinion

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Provide bus service(s) where no commercial service is provided						
Work in a formal partnership with commercial operators to improve services						
Specify all aspects of local bus services, which will be provided by commercial operators following a tendering exercise						

The Bill would require bus operators to share information on routes, timetables and actual running times with third parties - to make it easier for passengers to know when their bus will arrive and how much it will cost.

How best could your Council or bus operator improve the ways it provides timetable and route information? (Please put the following options in an order were 1 is your favourite idea and 5 is your least favourite)

- Bus Operator Website (4)
- Bus Operator App (3)
- Bus Stop Real-time displays (1)
- Bus Stop Paper timetables (2)
- Paper timetables (5)

Do you think the proposed changes to bus regulation in the Bill could be improved? If so, could you briefly summarise the changes you would like to see made in the box below:

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Part 3 – Smart Ticketing

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
National technological standard for smart ticketing						
National Smart Ticketing Advisory Board						
Requirement for local authorities to produce annual reports on use of ticketing powers						
Power for Scottish Ministers to direct local authorities to implement schemes						

What are the reason(s) behind your answers above?

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Part 4 – Double parking and parking on the pavement

Do you support or oppose the proposed prohibitions on:

	Support	Oppose
Pavement Parking		
Double Parking		

The Bill proposes a number of exemptions to the prohibition on pavement parking and double parking. These are:

- Emergency service vehicles responding to an incident
- Vehicles used in undertaking road works
- Bin lorries
- Postal service vehicles
- Vehicles used by medical practitioners responding to an incident
- Vehicles being used for deliveries
- Vehicles in a parking place
- Vehicles parked at the direction of a police officer
- Vehicles parked for the purpose of saving a life/similar emergency

- Vehicle parked to provide roadside assistance

It is worth noting that the Bill requires vehicles that benefit from an exemption to only use it where it is unavoidable and for the shortest time possible to complete the task in hand (with a limit of 20 minutes on vehicles being used for deliveries).

Overall, do you support or oppose the proposed exemptions? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Overall view of proposed exemptions						

Do you have any concerns about the proposed exemptions, or wish to see additional exemptions added? If so, please briefly summarise what change(s) you would like to see made and why you think these are necessary.

The Bill would allow local authorities to exempt any footway from the prohibition on pavement parking, as long as it has had regard to any guidance issued by Scottish Ministers. Do you support this proposal?

Support	
Oppose	

What are the reason(s) behind your answer above?

Part 5 – Road Works

The Bill would give the Scottish Road Works Commissioner, and Commission staff appointed as inspectors, the power to inspect roads works, documents etc. to establish the facts in possible cases of non-compliance with road works related legislation that falls within the Commissioners remit.

The Bill would grant the Commissioner, and Commission staff, new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements.

Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
New statutory duty on local authority road works to meet fencing and lighting requirements						
Ministers can issue a code of practice for safety at local authority road work sites						
New statutory requirement for local authority road works to be supervised by a suitably qualified person						

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

N/A – This would be a matter for individual Local Authorities to consider.

The Bill would create place new duties/requirements on those undertaking road works. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
New requirement for actual commencement and completion date notices to be placed in the Road Works Register within a prescribed period						
Anyone undertaking road works, or works to a road (except roads authorities) must have either a site specific, or general road reinstatement quality plan in place						

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

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Part 6 – Regional Transport Partnership Finance and membership of the Scottish Canals Board

Do you support or oppose these proposals?

Support	
Oppose	

What is the reason for your answer?

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The Bill would expand the size of the Scottish Canals board, increasing the number of members appointed by Scottish Ministers from "between one and four" to "at least 4 but no more than 9". The aim being to allow the appointment of members with a wider range of skills and experience than at present. Do you support or oppose this proposal?

Support
Oppose

What is the reason for your answer?

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Do you have any other comments about the Bill, particularly any changes you would like to see made? If so, please briefly summarise these in the box below.

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